

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:20-CR-535-BR

UNITED STATES OF AMERICA

v.

DAVID EARL VALENTINE

ORDER

On 17 February 2021, the court entered the following order:

On December 8, 2020, the court entered 20-SO-13, finding that felony pleas cannot in some cases be conducted in person due to the COVID-19 pandemic, and that a judge in an individual case "may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available," where the judge finds that the plea "cannot be further delayed without serious harm to the interests of justice." Arraignment in this case is currently set for March 8, 2021. The court intends to continue the arraignment to April 12, 2021. Defense counsel shall confer with defendant as well as the responsible assistant United States attorney and inform the court in notice filed on or before March 1, 2021, of respective positions whether there exist "specific reasons that [defendant's arraignment] cannot be further delayed without serious harm to the interests of justice" such that the arraignment should be conducted with defendant's consent at the March 8, 2021 term via video or telephone conference, pursuant to the CARES Act, PL 116-136, March 27, 2020, 134 Stat 281, § 15002(b)(2). If this deadline elapses with no notice being filed, the court will continue arraignment in this matter to the April 12, 2021 term.

(2/17/21 Text Order.) Defense counsel filed a notice in response to this order stating that defendant has no objection to continuance and "that no serious harm to the interests of justice exists due to this delay." (DE # 19.) Accordingly, arraignment and trial are CONTINUED to 12 April 2021. The court finds that the ends of justice served by continuance outweigh the best interest of the public and defendant in a speedy trial. The delay occasioned by the continuance

shall be excluded in computing defendant's speedy trial time. See 18 U.S.C. § 3161(h)(7)(A).

This 1 March 2021.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge